Claim 60. The method for symptomatic treatment of rhinitis of claim 50 wherein said container incorporates multiple doses of said first and second dosage units.

Claim 61. The method for symptomatic treatment of rhinitis of claim 50 wherein said indicia is incorporated with said first and second dosage units at the time of manufacture.

Claim 62. The method for symptomatic treatment of rhinitis of claim 50 wherein said instructions are incorporated with said container at the time of manufacture.

Claim 63. An oral rhinitis regimen comprising:

(a) a first non-stimulating dosage unit which is devoid of stimulating agents and which includes an antihistamine; and

(b) a second non-sedating dosage unit which includes a nasal decongestant.

Claim 64. The oral rhinitis regimen of Claim 63 wherein said first and second dosage units are contained within a pharmaceutical dispensing container, said container including indicia for distinguishing between said first and second dosage units and administration instructions for the use of said first and second dosage units as a regimen, such that said non-stimulating dosage unit is for use when the lack of stimulating effect is desired and said non-sedating dosage unit is for use when the lack of sedating effect is desired. --

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REMARKS

Applicant and applicant's attorney thank the Examiner for his time and thoughts during the October 18th interview. Entry of the foregoing amendments and reconsideration of the subject application, as amended, is respectfully requested.

Claims 1-36 have been canceled without prejudice. Claims 37-64 are presented for consideration. These claims are supported by the specifications and do not add any new subject matter. It is believed that all of the claims are allowable. The previous § 112 rejections do not apply. Similarly, the references cited by the Examiner do not anticipate or render obvious any of these claims.

Claim 37 is directed to a prepackaged dispensing container, claim 50 to a method for the symptomatic treatment of rhinitis and claim 63 to an oral rhinitis regimen. These independent claims all clearly include an inventive combination of a first non-stimulating dosage unit devoid of stimulating agent which includes an antihistamine and a second non-sedating dosage unit which includes a nasal decongestant.

None of the references teach, describe or claim the present invention. Knudsen does not anticipate these claims. Knudsen specifically discloses and teaches the use of adrenaline-like (stimulating) decongestants in both the day and night dosage units. It is an object of the present invention to prevent insomnia and irritability by providing a non-stimulating dosage unit that is devoid of stimulating agents. Similarly, the Vilkov patent (Col. 6, line 35-example 1) teaches the use of pseudoephedrine (a stimulating decongestant) at morning and night. Further, Gwaltney (Col. 3, line 52) discloses topical phenlyepherine and oral chlorpheniramine (sedating antihistamine) for use at 8 a.m., 4 p.m. and midnight. These references by themselves or in combination do not teach or suggest applicant's invention.

Dependant claims 38 to 49 and 51 to 62 correspond closely to original application dependant claims 2, 3, 7-14, 16, 17, 20, 21, 25-32, 34 and 35.

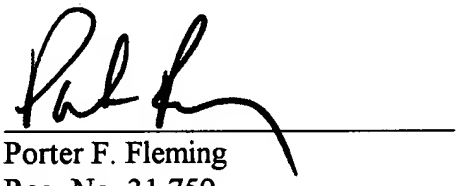
Applicant moves to correct the inventionship of this application pursuant to § 1.48. An accompanying petition to delete Allan M. Weinstein as inventor and written consent of the assigner 37 CFR § 3.73(b) are attached. The patent application should have list only Robert E. Weinstein as the inventor. Also enclosed is a terminal disclaimer directed to this application and Weinstein U.S. Patent No. 5,848,976.

Enclosed is a check of $200 (37 CFR § 1.17(a)(2)) for the two month extension fee. Applicant has also included a check for the following fees: $82 ($41 x 2) for two additional independent claims in excess of three; $308 ($11 x 28) for twenty-eight new claims; and $55 for the terminal disclaimer -- the total being $445. A third check of $130 for the petition to correct inventorship (37 CFR § 1.17(i)) is enclosed as well.

In view of the forgoing, withdrawal of all rejections, and further and favorable action, in the form of a Notice of Allowance, are believed to be in order, and such actions are earnestly solicited.

Dated: November 1, 1999

Respectfully submitted,



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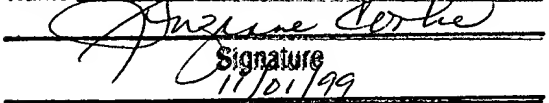

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